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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

MENON, KRISHNAN S

ART UNIT

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :2/7/08, 12/3/07, 8/30/07, 7/13/07, 7/5/07, 8/1/05, 5/20/04.

DETAILED ACTION

Claims 1-39 are pending of which claims 1-24 and 30-39 are withdrawn from consideration as of 3/5/08.

Election/Restrictions

Claims 1-24 and 30-39 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 3/5/08.

Claim Rejections - 35 USC § 102/103

1. Claims 25,27 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Yasuda, et al, (US 6,244,738).

Claim 25 recites a channel with plurality of supply portions connected to the channel and the channel having a vibrating element at or near the where the supply portions are connected. Limitations regarding the flow of the fluids and being subjected to a predetermined treatment are intended use of the device.

Yasuda teaches a channel (20) with supply channels (21) and (22) and an ultrasonic vibrator at (61) - see fig 2. The two supply channels would be 'plurality', meaning 2 or more. There is also a collection portion – outlet (23) of the channel. See also the abstract and claims. Applicant defines the collection portion as outlet (55) in figure 13A, the elected species.

2. Claims 25-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Cosby et al (US 2003/0107946).

Cosby teaches a device (see figure 7) having a channel (116) with a substrate (112) and cover (114), plurality of entry channels (122, 124 – two is plural), with a pumping chamber at the junction of the entry channel and the channel (116), the top cover on the pumping channel having a vibrator (see paragraphs 35 and 36) so that the cover (114) over the chamber (136) vibrates. The reference also teaches a collection portion, that is an outlet, (142), and a serpentine portion (138) for any pre-determined treatment.

3. Claims 26 and 28 are rejected under 35 USC 103(a) as being unpatentable over Yasuda.

Claims differ from the teaching of the reference in having the vibrator on the cover. Reference has the vibrator on the substrate. However, this difference is not patentable because the structure taught by the reference is equivalent, performing the same function in substantially the same way as claimed, and the location/orientation of the vibrator with respect to the channel is of design convenience.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krishnan S. Menon whose telephone number is 571-272-1143. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Sample can be reached on 571-272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Krishnan S Menon/
Primary Examiner, Art Unit 1797